

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Sterling D. Brown,
Plaintiff,

v.

Civil Action No. 2:18-cv-922

City of Milwaukee, et al.
Defendants.

PLAINTIFF STERLING BROWN'S STATUS UPDATE

NOW COMES THE PLAINTIFF, Sterling D. Brown, through undersigned counsel, and submits this status update pursuant to this Court's Order, dated June 3, 2021. (Dkt. 87.)

As previously reported, the City of Milwaukee approved and signed the settlement agreement. On May 4, 2021, the City of Milwaukee's Common Council voted, 14-0, to approve the settlement agreement. On May 20, 2021, Deputy City Attorney Robin A. Pederson transmitted a signed, digital copy of the settlement agreement to counsel for Mr. Brown and the City has now disbursed the \$750,000.00 settlement proceeds. Under the terms of the settlement agreement, the City of Milwaukee will move this Court to strike Affirmative Defenses 5 and 12 that Defendant The City of Milwaukee filed in its August, 24, 2018 Answer. (Dkt. No. 28 at 50, ¶¶ 5, 12.) Affirmative Defenses 5 and 12 read:

5. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by their own acts or omissions or their failure to mitigate or the acts and omission of persons other than these answering defendants.
12. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by their own acts or omissions or their failure to mitigate or the acts and omission of persons other than these answering defendants.

(*Id.*) In Exhibit A of the Settlement Agreement (the Settlement Agreement and Exhibits A and B are attached for the Court's reference), The City of Milwaukee recognized that discovery to date has not supported these Defenses and will request that this Court STRIKE Affirmative Defenses 5 and 12. Mr. Brown anticipates that the City will file the motion promptly.

Additionally, pursuant to the Settlement Agreement, paragraphs 2 and 3, the City of Milwaukee "shall prepare the proposed revised policies detailed in Exhibit 2" and will submit them to the Milwaukee Fire and Police Commission (FPC) for final approval within sixty days of the execution of the Agreement, i.e. on or before July 6, 2021. However, Mr. Brown has been informed that due to recent changes to the FPC, this 60 day time limit will be extended. Accordingly, Mr. Brown respectfully requests an additional thirty (30) days to provide the requisite opportunity for the City to fully comply with the terms of the settlement agreement. As before, Mr. Brown will keep the Court updated and will request a status conference if needed.

Respectfully submitted, July 6, 2021.

GINGRAS, THOMSEN, & WACHS, LLP

s/ Mark L. Thomsen

Mark L. Thomsen

State Bar No.: 1018839

Scott B. Thompson

State Bar No.: 1098161

219 N. Milwaukee St., Suite 330

Milwaukee, WI 53202

Telephone: (414) 935-5482

Email: mthomsen@gtwlawyers.com

Counsel for Plaintiff